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12 | Attorneys for Plaintiff ATHLETA, INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

16 | ATHLETA, INC., a Delaware  
17 | corporation,

18 Plaintiff,

V.

PITBULL CLOTHING CO., INC. d/b/a  
ATHLETICA.NET, CORY PECK and  
DOES 1-10.

## Defendants.

Case No. CV12-10499-CAS(FMOx)

## [PROPOSED] ORDER FOR PRELIMINARY INJUNCTION

1 Pursuant to the Court's January 7, 2013 order granting Plaintiff Athleta,  
2 Inc.'s ("Plaintiff" or "Athleta") Motion for a Preliminary Injunction, Defendants  
3 Pitbull Clothing Co., Inc. and Cory Peck ("Defendants"), their officers, directors,  
4 agents, representatives, successors or assigns, and all persons acting in concert or in  
5 participation with any of them, are immediately enjoined pending trial in this action  
6 from:

7 (a) counterfeiting Plaintiff's ATHLETA, PILAYO, VELOCITEK  
8 and Pinwheel Design trademarks (the "Athleta Marks");  
9 (b) seeking to register the Athleta Marks or any derivation or  
10 colorable imitation thereof, or any name or mark that is confusingly similar thereto  
11 in the U.S. Patent & Trademark Office or any state trademark office;  
12 (c) making or employing any other commercial use of any of the  
13 Athleta Marks or any name or mark that is confusingly similar thereto, including but  
14 not limited to the names and marks ATHLETICA, PILAYO, VELOCITEK or a  
15 pinwheel design (collectively, "Prohibited Marks") in a manner that is likely to  
16 cause confusion or mistake in the mind of the trade or public or to deceive the trade  
17 or public into believing that Defendants' activities are in any way sponsored,  
18 licensed, endorsed, authorized by or affiliated or connected with Athleta, or  
19 originate from Athleta, including but not limited to the following:

20 (i) using the Prohibited Marks on any article of clothing;  
21 (ii) using the Prohibited Marks in connection with the  
22 promotion, marketing, advertising or sale of clothing;  
23 (iii) to the extent Defendants utilize the URL athletica.net for  
24 any purpose, refraining from:

25 (A) the use of any graphic, textual or other design  
26 elements on the athletica.net website that are similar to Athleta's website;

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5 (C) advertising or using trade dress that resembles  
6 Athleta advertisements and trade dress, including but not limited to by making any  
7 “flash offers” through companies such as Groupon, Living Social, Plum District and  
8 the like;

9                             (d) purchasing any of the Prohibited Marks in connection with any  
10 sponsored advertising on the Internet or using any of the Prohibited Marks in any  
11 source code or otherwise using the Prohibited Marks such that a search for Athleta  
12 on the Internet will cause any domain name or website of Defendants to appear in  
13 search results;

20 (f) aiding, assisting or abetting any other party in doing any act  
21 prohibited by sub-paragraphs (a) through (e) above.

22 Defendants shall file with the Court and serve upon Athleta's counsel within  
23 fifteen (15) days after entry of this preliminary injunction a report in writing under  
24 oath, setting forth in detail the manner and form in which they have complied with  
25 the above, including but not limited to a detailed explanation of the status and  
26 location of any items of clothing or transfers of the ATHLETICA and/or Pinwheel  
27 Design Marks.

The Court finds that a nominal bond in the amount of \$1,000.00 is appropriate.

3 IT IS SO ORDERED.

4 | Dated: January 22, 2013

Christine A. Snyder

**The Honorable Christina A. Snyder  
United States District Judge**

**SUBMITTED BY:**

CALDWELL LESLIE & PROCTOR, PC

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FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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3 By: JAMES D. WEINBERGER

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Attorneys for Plaintiff Athleta, Inc.

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